

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

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|--|---|---------------------------------------|
| JESUS R. SANCHEZ, on behalf of himself |) | |
| and all others similarly situated |) | |
| |) | |
| Plaintiffs, |) | Case No. 2:11-cv-02548 |
| |) | |
| v. |) | District Judge S. Thomas Anderson |
| |) | |
| E-BACKGROUNDCHECKS.COM, INC. |) | Magistrate Judge Charmiane G. Claxton |
| |) | |
| Defendant. |) | |

**DEFENDANT E-BACKGROUNDCHECKS.COM, INC.'S UNOPPOSED
MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF
IN SUPPORT OF ITS MOTION TO DISMISS**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendant e-BackgroundChecks.com, Inc. ("BGC") hereby moves the Court for an extension of time until twenty-one (21) days after the Court holds a status conference in which to file its reply brief in support of its motion to dismiss. In support of its unopposed motion, BGC respectfully shows the Court as follows:

1. Plaintiff filed his First Amended Class Action Complaint on February 2, 2012. (Dkt. No. 24).
2. BGC filed a motion to dismiss on April 9, 2012. (Dkt. No. 42).
3. Plaintiff filed a response brief in opposition to the motion to dismiss on May 14, 2012. (Dkt. No. 54).

4. Pursuant to Local Rule 12.1(c), BGC had fourteen (14) days to file a reply brief in support of its motion—or, until Monday, May 28, 2012. Because May 28, 2012 was Memorial Day, a federal holiday, BGC’s reply was due on Tuesday, May 29, 2012. *See* Fed. R. Civ. P. 6(a)(1)(C) (“[I]nclude the last day of the period, but if the last day is a . . . legal holiday, the period continues to run until the end of the next day that is not a . . . legal holiday.”); Fed. R. Civ. P. 6(a)(6) (defining legal holidays to include Memorial Day).

5. On May 23, 2012, BGC filed its unopposed motion for an extension of time to file its reply brief until June 11, 2012 (Dkt. No. 56), which the Court granted on May 23. (Dkt. No. 57). As such, BGC’s reply brief is presently due on Monday, June 11, 2012.

6. Because BGC and Plaintiff are actively pursuing settlement of this case, which may obviate the need to file a reply brief, BGC filed an unopposed motion for further extension of time to file its reply brief—up to and including June 25, 2012—on June 5, 2012. (Dkt. No. 60). The Court granted that motion on June 5, 2012 (Dkt. No. 61), and BGC’s reply brief is presently due Monday, June 25, 2012.

7. BGC and Plaintiff are still actively pursuing settlement of this case, which may obviate the need to file a reply brief.

8. On June 18, 2012, Plaintiff filed a motion to reconsider the Court’s May 21, 2012 Order denying Plaintiff’s Motion to Strike and asked the Court to hold a status conference to discuss these issues. (Dkt. No. 62).

9. In light of that potential status conference, Plaintiff’s pending motion, and the ongoing settlement discussions, BGC wishes to avoid briefing that will prove unnecessary if this case settles in the near-term. BGC therefore requests an extension until through and including

twenty-one (21) days after the Court holds a status conference, in response to Plaintiff's Motion, to file its reply brief pursuant to Local Rule 12.1(c).

10. The requested extension will not delay the timely resolution of this civil action, which is still in its early stages.

11. Undersigned counsel hereby certifies that John Jett, counsel for BGC, conferred with Matt Dooley, counsel for Plaintiff, by telephone and email on June 19, 2012, and is authorized to represent that Plaintiff does not oppose the relief requested in this Motion.

WHEREFORE, BGC respectfully requests entry of an Order extending its time up through and including twenty-one (21) days after the Court holds a status conference to file its reply brief in support of its motion to dismiss. A proposed Order is submitted herewith as required by the Local Rules.

Dated: June 19, 2012

Respectfully submitted,

s/ Angie C. Davis

ANGIE C. DAVIS
Tennessee Bar No. 20043
angiedavis@bakerdonelson.com

KATHERINE M. BOGARD
Tennessee Bar No. 28099
kbogard@bakerdonelson.com

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
2000 First Tennessee Building
165 Madison Avenue
Memphis, Tennessee 38103
(901) 526-2000 – telephone
(901) 577-2303 – facsimile

CINDY D. HANSON (*Admitted Pro Hac Vice*)
Georgia Bar No. 323920
chanson@kilpatricktownsend.com

JOHN P. JETT (*Admitted Pro Hac Vice*)
Georgia Bar No. 827033
jjett@kilpatricktownsend.com

KILPATRICK TOWNSEND STOCKTON, LLP
1100 Peachtree St. Suite 2800
Atlanta, Georgia 30309-4530
(404)815-6500 – telephone
(404)815-6555 – facsimile

Attorneys for Defendant
E-BackgroundChecks.com, Inc.

CERTIFICATE OF CONSULTATION

The undersigned hereby certifies that counsel for Defendant e-BackgroundChecks.com, Inc., John P. Jett, consulted with Counsel for Plaintiff, Matt Dooley, via e-mail and telephone on June 19, 2012. Counsel for Plaintiff indicated that he does not oppose the relief requested herein.

s/ Angie C. Davis

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of June 2012, a copy of the foregoing electronically filed Defendant e-BackgroundChecks.com, Inc.'s Unopposed Motion for Extension of Time to File Reply Brief in Support of its Motion to Dismiss was served on the parties listed below via first class mail, postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, and the Notice of Electronic Filing indicates that Notice was electronically mailed to said party:

Matthew A. Dooley
Dennis M. O'Toole
Anthony R. Pecora
STUMPHAUZER, O'TOOLE,
MCLAUGHLIN, MCGLAMERY &
LOUGHMAN CO., LPA
5455 Detroit Road
Sheffield Village, Ohio 44054
mdooley@sheffieldlaw.com
dotoole@sheffieldlaw.com
apecora@sheffieldlaw.com

Kenneth P. Hassett
HASSETT & ASSOCIATES, P.A.
6099 Stirling Road, Suite 217
Davie, Florida 33314-7236
khassett@criminaldefense.cc

s/ Angie C. Davis
